

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO.14479 OF 2016
IN SA/499/2001 WITH CA/9012/2015 IN SA/499/2001

SUBHADRA BAI BABU SHENDGE DIED LRS TUKARAM AND ORS
VERSUS
NAGORAO RAMCHANDRA GARAD DIED LRS MAHATMA AND ORS

Mr.Kuldeep S. Patil h/f. Mr.S.S. Choudhari, Advocate for
the applicants.

Ms.Sangita Sambre h/f. Mr. V.R. Dhorde, Advocate for
respondent Nos.1A,1C,1E & 1F.

CORAM : S.M.GAVHANE,J.

DATED : 24.01.2020

P.C. :-

. Heard learned counsels appearing for the parties. The legal representatives of applicant/sole - appellant have moved this application to bring them on record by condoning delay caused in moving application and by setting aside order of abatement of appeal.

2. Learned counsel appearing for the legal representatives of sole appellant submitted that said appellant died on 14.08.2015. They have obtained death certificate on 28.06.2016. It is submitted that legal representatives had no knowledge about pendency of the Second Appeal in this Court. The married daughters of appellant are residing at the respective places of their

husbands and therefore delay of 239 days has been caused in moving application and that said delay is not intentional. It is submitted that, therefore, the legal representatives of the applicant/appellant may be allowed to bring them on record to prosecute the appeal.

3. Learned Counsel appearing for the respondents has no specific objection to allow the application.

4. Considering the submissions made by learned counsel appearing for the applicants, the grounds referred earlier and nature of right involved in the second appeal, it is just to condone the delay caused in filing application and to set aside order of abatement of appeal and to allow the applicants to prosecute the appeal by allowing application.

5. Therefore, the application is allowed in terms of prayer clause (B).

6. Necessary amendment be carried out within two weeks to show legal representatives of sole appellant in the cause title of appeal, as well as in the application filed on behalf of deceased appellant to bring on record legal representatives of respondent No.2. Thereafter, notice of said Civil Application No.9012 of 2015 be

(3)

ca14479.16

issued to proposed legal representatives of respondent
No.2 — Bhagwan Ramchandra Garad, returnable on
16.03.2020.

[S.M.GAVHANE,J.]